IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL REVISION NO. 1053 OF 2002 (O&M)

DATE OF DECISION: March 02, 2007.

Parties Name

Ram Kumar

...PETITIONER

VERSUS

State Bank of India and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: Mr. Deepak Arora,
Advocate, for the petitioner-applicant.

Mr. Sanjiv Kumar, Advocate,
for the respondents.

JASBIR SINGH, J. (oral)

ORDER:

CM No. 2451-CII of 2007
in C.R. No. 1053 of 2002

This application has been filed to recall the order dated November 1, 2006, vide which revision petition was dismissed in default. No opposition has been shown to the prayer made by counsel for the respondents. In view of reasoning given in the application, it is allowed and order dated November 1, 2006, is recalled. Revision petition is restored to its original number.

On request, made by counsel for the parties, revision petition is taken on Board for hearing.

CR No. 1053 of 2002 (O&M)

Petitioner filed a suit, claiming declaration, to the effect that memoradum of charge-sheet dated September 9, 1994, issued by respondent

No. 2 to him, be quashed and further that during pendency of the criminal trial, departmental proceedings in enquiry be stayed. In that suit, he also moved an application for interim injunction, which was dismissed by the trial Court on April 17, 2001. He went in appeal, which was also dismissed by the appellate Court below on January 4, 2002. Hence this revision petition.

The appellate Court below, while dismissing his appeal, noticed that the departmental enquiry was complete and enquiry report had already been submitted before the competent authority and, therefore, declined injunction to the petitioner at that stage. During arguments, it has been brought to the notice of this Court that after filing of this revision petition, the petitioner has been convicted, in police challan in FIR No. 172 dated June 5, 1992, and his appeal is pending. If that is so, this Court is of the view that no case is made out to stay the departmental proceedings. Furthermore, as per established law, pendency of criminal proceedings is no ground to stay the departmental proceedings. Dismissed.

March 02, 2007. (Jasbir Singh)
DKC Judge